

Region 2 Example Petition for Exemption

Paint Stripping and Miscellaneous Surface Coating Operations

Area Source Rule

40 CFR Part 63 Subpart HHHHHH (§§ 63.11169 – 63.11180 and Table 1)

An exemption from the requirements of Subpart HHHHHH is case/fact specific. This Example Petition for Exemption is completed to illustrate the type of information that you might submit to request an exemption. You may use your own form as long as you include all the information required by the rule for a petition. We will respond to your petition after we have evaluated the information you provided.

In accordance with 40 CFR §63.11170(a)(2), an owner or operator of a motor vehicle or mobile equipment surface coating operation (including refinishing operations) may petition the United States Environmental Protection Agency (EPA) Administrator to exempt the operation from the surface coating regulatory requirements of 40 CFR Part 63 Subpart HHHHHH, if the owner or operator can demonstrate that the spray-applied coatings used by the facility do not contain target hazardous air pollutants (HAP) (paint stripping requirements still apply).

Note: in determining whether you spray apply target HAP containing coatings, do not include coatings applied using hand-held aerosol cans, or hand-held devices (e.g., spray guns) with a paint cup capacity of 3 fluid ounces or less. These are not considered spray-applied coatings under the rule. See, “spray-applied coating operations” definition at 40 CFR §63.11180.

As defined in 40 CFR §63.11180, coatings are “target HAP containing coatings” if they contain compounds of chromium (Cr), lead (Pb), nickel (Ni), cadmium (Cd), or manganese (Mn) above a given concentration. If a compound is not carcinogenic, then the rule allows a higher concentration of the compound before the coating is considered to be a target HAP containing coating, as described here:

- Target HAP containing coatings are defined to include carcinogens, coatings containing compounds of hexavalent chromium (Cr+6) (e.g., chromates), lead (Pb), nickel (Ni), or cadmium (Cd), if those compounds comprise more than 0.1% of the coating by mass.
- Target HAP containing coatings also include noncarcinogens, coatings containing compounds of trivalent chromium (Cr+3) or manganese (Mn), if those compounds comprise more than 1.0% of the coating by mass.
- Refer to the coating Material Safety Data Sheets (MSDS) or obtain documentation from your supplier for each coating that you spray apply without mixing. If you mix coatings prior to application, determine the target HAP concentration for each coating mixture that you spray apply.

1. General Information

Company Name _____

Facility Name _____

Mailing Address _____ Telephone Number _____

City _____ State _____ Zip _____

Facility Location (if different from above):

For mobile refinishing operations, indicate “at various customer locations”

Street Address _____ County _____

City _____ State _____ Zip _____

Location where your facility compliance records are maintained:

Street Address _____ County _____

City _____ State _____ Zip _____

- 2. Describe your surface coating operation and explain why your facility qualifies for the exemption under 40 CFR §63.11170 (a)(2).** (For example: Our facility repairs automobile collision damage. We are seeking an exemption because we do not use any target HAP containing coatings.)

3. Description of Spray-Applied Coatings

Identify the manufacturer(s) and product line(s) of all the spray-applied coatings used at this facility. Attach additional pages to this petition, if necessary.

Manufacturer	Product Line

4. Certification Statement

I have consulted reliable analyses (material safety data sheets or information obtained from the coating manufacturer) of the coatings that are used in this facility and have determined that we do not spray apply target HAP containing coatings as defined in 40 CFR §63.11180. Furthermore, I have verified that none of the coatings mixed prior to application contain target HAP as spray-applied, based on the definition of "target HAP containing coatings". I certify, under penalty of law, to the truth, accuracy, and completeness of the information provided in this petition. If circumstances change such that we intend to spray apply target HAP containing coatings in surface coating operations, we will submit the initial notification required by 40 CFR §63.11175 and will comply with the requirements of 40 CFR Part 63 Subpart HHHHHH (the National Emission Standard for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources). Spray application of target HAP containing coatings in a surface coating operation voids any exemption that might be granted as a result of this petition.

If your petition is approved, then you must keep a copy of the approval on site at your facility until you change your operation(s) to include spray application of target HAP containing coatings, or discontinue motor vehicle and mobile equipment surface coating operations.

Signature of Certifying Official

Date

**Certifying official must be the owner or operator of the facility.
Check the one or both that apply:**

☐ **Owner** ☐ **Operator**

**Printed Name and Telephone
Number of Certifying Official**

Mailing Address of Certifying Official

Who may be subject to the rule and may need to use this form?

Spray painting of motor vehicles or mobile equipment is subject to 40 CFR Part 63 Subpart HHHHHH unless exempted (see 40 CFR §63.11180 for definitions). The following will generally be subject to the rule:

- Businesses at a fixed location
- Mobile operations that spray paint at various customer locations using their own equipment
- Individuals that coat more than 2 motor vehicles or pieces of mobile equipment per year without compensation, or any number for compensation

Who may petition for exemption?

If you, as the owner or operator of a facility are subject to the rule and do not spray paint with any target HAP containing coatings, then you may petition for exemption from the spray-painting requirements of the rule.

The petition form references facilities, but any of the above may petition for exemption provided that they are eligible.

If you are subject to the rule and do not obtain an exemption, then you are required to satisfy the rule requirements.

5. Where should I send this Petition for Exemption?

Please make a copy of the signed form for your records and submit the Petition for Exemption as follows:

a. New Jersey and New York have not been delegated the authority for this regulation under section 112(l) of the Clean Air Act. Please submit the original notification to the EPA Region 2 Office in New York and copies to the following New Jersey or New York offices, as appropriate.

b. Puerto Rico and the Virgin Islands have been delegated the authority for this regulation under section 112(l) of the Clean Air Act. Please submit the original notification to the following Puerto Rico or Virgin Islands office, as appropriate, and a copy to the EPA Region 2 Office in Puerto Rico.

Addresses for EPA Region 2 (covers New York, New Jersey, Puerto Rico and U.S. Virgin Islands) and State Offices:

Puerto Rico

U.S. EPA Region 2
Director, Caribbean Environmental Protection Division
Centro Europa Building
Suite #417
1492 Ponce de Leon Avenue
Santurce, PR 00907

PREQB

Director, Air Quality Program
P.O. Box 11488
Santurce, Puerto Rico 00910

New Jersey

US EPA Region 2
Director
Division of Enforcement and Compliance Assistance
290 Broadway
New York, NY 10007-1866

NJDEP

Erica Snyder
Air Toxics Program
P.O. Box 027
401 East State St.
Trenton, NJ 08625-0027

Virgin Islands

U.S. EPA Region 2
Director, Caribbean Environmental Protection Division
Centro Europa Building
Suite #417
1492 Ponce de Leon Avenue
Santurce, PR 00907

VIDPNR

Director, Division of Environmental Protection
45 Estate Mars Hill
Frederiksted, St. Croix
U.S. Virgin Islands 00841

New York

US EPA Region 2
Director
Division of Enforcement and Compliance Assistance
290 Broadway
New York, NY 10007-1866

NYSDEC
Division of Air Resources
625 Broadway
Bureau of Stationary Sources
Albany, NY 12233-3254

In addition, send a copy to the NYSDEC Regional Office for the county where your business is located:

Nassau & Suffolk Counties: NYSDEC Region 1, Mr. Ajay Shah-RAPCE
Stony Brook University
50 Circle Road
Stony Brook, NY 11790-3409

New York City Counties: NYSDEC Region 2, Mr. Sam Lieblich-RAPCE
1 Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

Dutchess, Putnam, Orange, Rockland, Sullivan, Ulster, Westchester Counties:
NYSDEC Region 3, Mr. Ken Grzyb-RAPCE
21 South Putt Corners Road
New Paltz, NY 12561-1696

Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schoharie, Schenectady Counties:
NYSDEC Region 4, Mr. Don Spencer-RAPCE
1130 North Westcott Road
Schenectady, NY 12306-2014

Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Washington, Warren Counties:
NYSDEC Region 5 Sub-office, Mr. Jim Coutant-RAPCE
232 Golf Course Road
P.O. Box 220, Warrensburg, NY 12885

Herkimer, Jefferson, Lewis, Oneida, St. Lawrence Counties:
NYSDEC Region 6, Mr. Tom Morgan-RAPCE
State Office Building
317 Washington Street
Watertown, NY 13601-3787

Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, Tompkins Counties:
NYSDEC Region 7, Mr. Reginald Parker-RAPCE
615 Erie Blvd. West
Syracuse, NY 13204-2400

Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Schuyler, Steuben, Wayne, Yates Counties:
NYSDEC Region 8, Mr. Tom Marriott-RAPCE
6274 E. Avon-Lima Road
Avon, NY 14414-9519

Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming Counties:
NYSDEC Region 9, Mr. Larry Sitzman-RAPCE
270 Michigan Avenue
Buffalo, NY 14203-2999

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1. General Information

Company Name	ZYX Collision Repair		
Facility Name	Same as above		
Mailing Address	1 Automotive Drive	Telephone Number	111-555-1212
City	Studebaker	State	Michigan Zip 10000

Facility Location (if different from above):

For mobile refinishing operations, indicate “at various customer locations”

Street Address	Same location as above	County	
City		State	Zip

Location where your facility compliance records are maintained:

Street Address	Same location as above	County	
City		State	Zip

2. Describe your surface coating operation and explain why your facility qualifies for the exemption under 40 CFR §63.11170 (a)(2). (For example: Our facility repairs automobile collision damage. We are seeking an exemption because we do not use any target HAP containing coatings.)

3. Description of Spray-Applied Coatings

Identify the manufacturer(s) and product line(s) of all the spray-applied coatings used at this facility. Attach additional pages to this petition, if necessary.

Manufacturer	Product Line
ACME Paint	Pro Line
ABC Coatings	Ultra Line
ABC Coatings	Supreme Line

4. Certification Statement

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John Doe

September 20, 2009

Signature of Certifying Official

Date

John Doe
111-555-1212

Certifying official must be the owner or operator of the facility. Check the one or both that apply:

1 Automotive Drive
Studebaker, Michigan 10000

Printed Name and Telephone Number of Certifying Official

☒ **Owner** ☐ **Operator**

Mailing Address of Certifying Official